MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I beg to move that the Bill as now amended, be finally passed.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) I second it.

The motion was carried *nem con.*

THE TRAVANCORE MUNICIPAL REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : On the last occasion when the principle of the Bill was being discussed by the House, Mr. Thanu Pillai moved for the postponement of the consideration of the Bill. It is that motion, of Mr. Thanu Pillai, that is now before the House. Mr. K. P. Nilakanta Pillai stood up to speak on that motion; and then the Council adjourned. So, he has to make his speech now.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Sir, it was not because there was any disagreement in regard to the principle of this Bill that the motion for the adjournment of this discussion has been made. Because, even under the existing Municipal Regulation, the Municipality has the power to impose taxes. Such power has been conceded even in the existing Regulation. There cannot therefore be any opposition for the power being provided for in the Bill now before the House. Therefore it is that I submit that there is absolutely no disagreement with respect to the principle involved in the Bill. But the main opposition is with reference to the ratio of the tax proposed to be fixed.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I point out to the member that in the First Reading of a Bill it is only the *principle* of the Bill that is being considered, and accepted or rejected ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : That is why I say that there is no disagreement with respect to the principle involved in the Bill. The power to impose taxes has already been conceded to Municipalities even under the existing Regulation.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): If the member has no objection to the principle involved in the Bill, may I ask why he objects to the Bill being referred to a Select Committee ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I am going to explain why the postponement of the consideration of this Bill has become necessary.

I was submitting, Sir, that the principle involved in the Bill was not new and that it had already been conceded even in the existing Municipal Regulation. All that the present Bill seeks to do is to confer some more powers on the Municipalities in order to enable them to impose new taxes when the Water Supply Scheme is put into operation. The objection now raised to the present Bill centres round the ratio of the tax that may have to be imposed on account of the introduction of the Water Supply Scheme.

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[Mr. K. P. Nilakanta Pillai].

With reference to that, after listening to some of the speeches, made by some of the learned members on this side of the House, I find that, individually, they seem to be not concerned at all with the present Bill, since they come from the mofussil and the Bill deals only with the city of Trivandrum and its citizens.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): On a point of personal explanation, Sir, that is a gross misrepresentation of the speeches made on this Bill. (Mr. E. V. Krishna Pillai: *Hear, hear.*)

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I was listening to the speeches of Messrs. P. S. Mahomed and Nadar, and I gathered that, coming from the mofussil, they seemed not to be concerned very much with this Bill. I think my conclusion is quite right.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Another point of order, Sir. We are just now at the motion for the postponement of the discussion. I do not think it is necessary to go far into the merits of the Bill now.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I am not going *far* into the merits of the Bill.

The idea of Mr. Thanu Pillai, when he moved for the postponement of the consideration of this Bill was, I think, that it may wait till more definite information and figures are available as to the amount that would be necessary towards the maintenance and other charges with respect to the Water Supply Scheme. It was pointed out on the last occasion when this Bill was being discussed that, even despite the very optimistic estimate as to the income, a water cess of at least 9½ per cent. or so was inevitable even if the Government undertake to make a liberal contribution. The Bill itself provides for a *minimum* of 5 per cent. None of the official members who spoke on the Bill, the Chief Secretary, the Chief Engineer or the Financial Secretary, was able to give definite figures as to the tax likely to be imposed in order that at least a portion of the annual expenditure on the maintenance of the scheme, could be met.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Did not Mr. Westerdale say that, according to the revised estimate, the annual working charges on account of the scheme would come to over a lakh of rupees?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): My point is that the percentage of tax, that will have to be imposed to cover the working expenses, interest, depreciation and other charges, was not definitely given.

MR. K. GEORGE (*Chief Secretary to Government*): I explained that a tax of 20 per cent. on the annual rental value of buildings, would have to be imposed in order to meet the expenditure on account of maintenance and to make contribution towards interest, depreciation and other charges.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Then, the position would be that in the case of a building the rent of which is estimated to

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be Rs. 100 per annum, the additional tax would be Rs. 20 per annum. That will certainly work very hard against people who have invested all their earnings in buildings and whose only source of income now is the rents from their houses. And, the position would be much worse in the case of people who live in their own houses.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Are we not at the adjournment motion now, Sir?

PRESIDENT: I was just going to say that.

I have been listening, Mr. Nilakanta Pillai, to hear your reasons in support of the adjournment motion. So far, I have not been able to hear any. Will you please confine your remarks to the motion for the *postponement* of the consideration of this Bill, which is the motion now before the House?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The main ground for Mr. Thanu Pillai's motion was that there was no hurry for the introduction of this measure and that therefore it could wait till more definite information was made available. On that ground, I support the motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose the motion.

When I introduced the Bill, I explained the urgent necessity for providing for more powers for the Municipality to impose the necessary water cess. As matters now stand, it is estimated that, in some parts of the town at least, the Water Supply Scheme will be put into operation in the course of 1108.

MR. A. THANU PILLAI (*Trivandrum*): Where was the objection to introduce this Bill sufficiently early so that we could have had time to consider the question in all its aspects.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Trivandrum City Bill, a comprehensive piece of legislation for this purpose, was being prepared. It is now apprehended that before that Bill gets finally passed—that may take at least eighteen months—the Water Supply Scheme will have to be put into operation at least in some parts of the town. That is why the present Bill was thought of. As I explained the other day, this is really only a transitory measure to last till the City Bill is passed. That Bill contains a number of provisions all of which have to be carefully considered by a Select Committee and also by this House. It is sure to take time.

MR. A. THANU PILLAI (*Trivandrum*): I wish to know why this apprehension did not come up sufficiently early?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As I have already stated, the City Bill was being prepared and it was thought that that would be enough for the purpose. It is now found that the Water Supply Scheme will be put into operation some time in 1108. The City Bill cannot certainly be passed in time before

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[Mr. Kayalam Paramesvaran Pillai.]

that. That Bill has already been published in the *Gazette*; and my friends will realise that it contains a number of important provisions and will naturally take time. Now, the only point seems to be that the Government have not been able to supply the information wanted by my friends on the other side.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Which is the most important provision in the Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As pointed out by Mr. K. P. Nilakanta Pillai, the most important provision is the one relating to the percentage of tax to be imposed.

MR. S. KRISHNA PILLAI (*Karunagapalli*): So, the other provisions can wait, I suppose?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, I do not think we can detach individual provisions of the Bill like that. The provisions in the Bill, other than the one relating to the ratio of tax, relate to the actual working of the Water Supply Scheme. They are necessary in order that water may be supplied. If tax is levied, water must be supplied; and if water is supplied we must get some tax for it. So, all the provisions must go together. One thing cannot be separated from the rest. You cannot give the taxation power and at the same time say that we are not going to give the power to supply water.

MR. S. KRISHNA PILLAI (*Karunagapalli*): So, without the other provisions the Government are not in a position to supply water?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not that there is any impossibility to supply water.

MR. S. KRISHNA PILLAI (*Karunagapalli*): May I know then how they laid all the pipes?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They had powers under the existing Regulation.

MR. S. KRISHNA PILLAI (*Karunagapalli*): If water could be brought to the municipality I think the water could travel through the same pipes without these clauses and these clauses are necessary because a new taxation has to be imposed. Is that the idea?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): When the water is supplied certain provisions—

MR. A. THANU PILLAI (*Trivandrum*): May I know—

PRESIDENT: Let him answer the question already put, before you ask further questions.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): When the water is supplied certain provisions will be necessary to tax and to compulsorily supply houses with water. All this has to be provided for by the law.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Everything converges to one point—taxation.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No, provision is also necessary for the regulation of the supply of water. The Bill contains provisions for that also. You cannot simply tax and say that the regulation of water supply cannot be provided for.

MR. A. THANU PILLAI (*Trivandrum*) : May I know whether there is any Regulation which gives a right to any house owner to ask for water supply even though he may be taxed ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Supply water where ?

MR. A. THANU PILLAI (*Trivandrum*) : To his house.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : He must pay specially for the house connection.

MR. A. THANU PILLAI (*Trivandrum*) : Suppose a man is willing to pay. Is there any provision giving him a right to ask for the supply of water ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I think the member may put in an amendment like that if he apprehends that there is no provision for that.

MR. A. THANU PILLAI (*Trivandrum*) : I say I shall pay, but supply me water. Have I got a right to ask for water in such cases ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I do not think such a provision is necessary. If it is necessary it may be inserted.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Section 203 refers to that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It says only "may." My friend wants it to be "shall." He wants the Municipality to be *bound* to supply. If my friend wants he may put in the necessary amendment in the Select Committee.

MR. A. THANU PILLAI (*Trivandrum*) : That does not mean that that is all the amendment I want.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : As Mr. Krishna Pillai pointed out, at present the Municipality *may* be obliged if they are asked to supply. If the only difficulty is about that "may" an amendment can be put in. But that is not the point with which I am now dealing. If any member wants any information on any point I shall give. Questions may now be put to me.

MR. A. THANU PILLAI (*Trivandrum*) : Is the member in possession of all information ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, all relevant information.

MR. A. THANU PILLAI (*Trivandrum*) : But last time when I wanted to know something my friend said that he is not in a position to supply the major portion of the information I wanted.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am able to answer now, to-day.

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MR. A. THANU PILLAI (*Trivandrum*) : A word of personal explanation. The Law Member told me last time definitely that he could not answer the questions that I put to him. Now he opposes my motion on the ground that he is in possession of all information. I cannot understand that position.

PRESIDENT : As he says he can give the necessary information now.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I request any member to come forward and put me questions. If Mr. Thanu Pillai is ready he may put any questions and I shall answer them.

MR. A. THANU PILLAI (*Trivandrum*) : So, I am now to put all the questions I want ? Why not the member himself give all the necessary information that he is in possession of ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : How can I take it that what I say will contain the information that the member wants. That is rather strange. When the principle of the Bill is discussed, I will give certain information if considered necessary then.

PRESIDENT : We are now at the motion for adjournment.

Is there anybody else to speak ?

MR. A. THANU PILLAI (*Trivandrum*) : Sir, the main ground on which I made this motion for adjournment has already been stated by me here. The official members as far as I was able to follow them were not in a position to give the necessary information on this point which from my point of view is very serious and important.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Will he mention the point on which information was not supplied ?

MR. A. THANU PILLAI (*Trivandrum*) : Sir, I am really at a loss to see what propriety there is in my friend putting that question. Is he in a position to deny the fact that he was not able to answer the questions that I put last time ? He told me definitely that he had no information on the questions I asked him then.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I ask him now which is the point on which he wants information. That is a simple question.

MR. A. THANU PILLAI (*Trivandrum*) : On this very point.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Will the member please state that ?

MR. A. THANU PILLAI (*Trivandrum*) : Is it that the member will give me information on any questions that I now put ?

PRESIDENT : Will you please continue your speech on this motion for adjournment ?

MR. A. THANU PILLAI (*Trivandrum*) : Am I to answer the question of the member or continue my own speech ?

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PRESIDENT : Proceed with your speech, please.

MR. A. THANU PILLAI (*Trivandrum*) : It is a very important matter, a serious matter, affecting the inhabitants of the town of Trivandrum. Under the existing Regulation there is a provision for levying a water cess up to a *maximum* of 5 per cent. of the annual value of the house or rental of the land. Now that is going to be changed into a *minimum* of 5 per cent. What the maximum will be nobody knows. It was stated by the Chief Secretary last time that the Government made up their mind to bring into effect this scheme, whatever be the cost and whatever be the burden that may be eventually thrown upon the citizen. Now my position is this. It is alright that the Government did it, and we are thankful to the Government for having done it. But they should not likewise impose on us burdens which we cannot bear. Now, whatever may be the cost that the Government have incurred, they should also see how far the Trivandrum citizen will be in a position to pay. Ignoring that, my friend wants to fix a minimum and then impose the cess. I refer to this fact to point out how important it is from the point of view of the citizen. I wanted to know the various details about the cost of maintenance of the system, the establishment charges and all that. Sir, I was not in a position to get definite information regarding that. I also wanted to know the rates obtaining elsewhere, how this is going to be worked, what rules are going to be framed, what will be the cesses imposed, for what amount and all that. It appears that nothing definite has been settled. Under these circumstances, they want to fix a minimum. Already there is a provision in the existing Regulation to fix a water rate. Where is the hurry to change the rate now? That may be acted upon for the time being. It may be that the Government may not be able to impose cess above 5 per cent.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : May I know whether there is a rate fixed in the present Regulation?

MR. A. THANU PILLAI (*Trivandrum*) : Yes. A maximum of 5 per cent. is fixed under Section 61 of the present Regulation. That is why I say there is no hurry about it. This is the provision :

> "A yearly water and drainage tax on buildings or lands or both not exceeding five per cent. of the annual value of the building or land or both upon which the tax is imposed."

That provision is there. But my friend is not satisfied with that. He wants to convert the words "not exceeding five per cent." into the words "not below five per cent." Now what is the change in the economic condition of the Trivandrum citizen to permit the maximum of five per cent. being altered into a minimum of five per cent? That is all that I am asking the Law Member.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The Bill provides for other things also. For instance, if Government themselves want to supply water, there is provision in the Bill. It is not provided for in the existing Regulation.

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MR. A. THANU PILLAI (*Trivandrum*) : The other principle is that the Government themselves want to work this scheme. But even under the provisions contained in the Bill so far as the house owner is concerned, he has to be dealt with by the Municipality and not by the Government. That is how I understand the provision.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The supply of water to the house owners is part of the work of the Municipality. But bringing the water to the mains is part of the function of the Government.

MR. A. THANU PILLAI (*Trivandrum*) : The work is proceeding. The Government have laid the pipes and the mains will carry water. Thus far no difficulty has been felt. Under the existing law it is the Municipality that has to deal with the house owner. The Bill also proposes only the same thing. I do not understand wherein the difficulty lies. I do not see where the urgency lies.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Who will bring the water to the mains and supply it?

MR. A. THANU PILLAI (*Trivandrum*) : The Municipality will supply the water and collect the cess. That is all that we are concerned with now.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Supplying water to the house owners is different. The main function of water supply is bringing water to the water mains, and the public places. Supplying to the house owners is different. The bringing of water to the town must be done by the Government.

MR. A. THANU PILLAI (*Trivandrum*): Yes, I understand. The Municipality alone is empowered to give water to the citizens. How far is it correct for the Government to take away the power that is now vested in the Municipality? Section 198 of the existing Regulation lays down.

> "In all Municipalities in which a water tax is levied under sub-section (7) of Section 61, the Council shall, and in any other Municipality, the Council may, provide a supply of drinking water within the Municipality; and shall cause such tanks, reservoirs, engines, pipes, taps and other works as may be necessary for the said purpose to be constructed and maintained, whether within or without the Municipality; and shall erect sufficient stand-pipes or other conveniences for the gratuitous supply of water to the public."

Till now the power was with the Municipality for constructing the necessary works and bringing into effect the water works scheme. But that power is now being taken away. While we ought to proceed more in the direction of municipal works we are now going back.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Will the member please state what approximately the five per cent. minimum fixed here would work up to on an average, say, for a building which fetches a monthly rent of Rs. 15?

MR. A. THANU PILLAI (*Trivandrum*) : If it is Rs. 15 a month the annual rental would be Rs. 180. I think the Municipality deducts two months' rent on account of maintenance charge. But whether under

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this Bill that is contemplated is doubtful. It will be Rs. 9 in the case cited by Mr. Krishna Pillai.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Will the value of land also be taken into consideration?

MR. A. THANU PILLAI (*Trivandrum*): Yes.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Then what exactly will be the annual tax that will have to be levied on a five cents bit of land on which a building stands which fetches a monthly rental of Rs. 15?

MR. A. THANU PILLAI (*Trivandrum*): I cannot say how they are going to value the land.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does the member require definite information on that?

MR. A. THANU PILLAI (*Trivandrum*): Yes.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Cannot the member call upon the Law Member to give the information?

MR. A. THANU PILLAI (*Trivandrum*): I called upon him the other day but he distinctly stated that he was not in a position to answer me.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Why not the member call upon him now?

MR. A. THANU PILLAI (*Trivandrum*): I do not know if I will be in order in asking him when he is not in possession of the House. Whatever that be, Sir, for my present point it is enough if I state that this is a very important measure affecting the citizens of the town.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does the member think that even without the private connection about which the Law Member referred to, very often a resident of the municipality will be compelled to pay the tax without any water being supplied to him?

MR. A. THANU PILLAI (*Trivandrum*): Yes, that is what I say. I am to pay water cess so long as I have a house in the town whether I get water or not. But if I want to have a connection to my house, I cannot ask the Municipality to give me one. The President can come and tell me "your water is bad, you must have a connection." And he compels me to take pipe water. But when I say "Please give me pipe water," he will say he cannot because the main is not close to my house and all that. That is speaking on the merits; because my friend put the question I answered that. If my motion is defeated I shall then speak on the merits. For the time being I would say that there is no urgency for this. How is it that such an important legislation is being rushed through in this Budget session? The Law Member explained that another Bill was in contemplation for the City Municipality but that will take time and so this has to be rushed through. Sir, is it an answer? Is it to be heard here? I say, certainly not. So there is no urgency. Suppose this is rushed through here. Government have spent public money; they are bringing pipe water, good water from Aruvikara, to be supplied to the people of Trivandrum. But suppose for two or three months they are not able to collect the cess what will be the consequence after all? Will the heavens fall?

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MR. K. GEORGE (*Chief Secretary to Government*): Will the member be prepared to have the cess levied with retrospective effect?

MR. A. THANU PILLAI (*Trivandrum*): The Government ought to have brought forward the Bill in time.

MR. K. GEORGE (*Chief Secretary to Government*): I find from to-day's papers that the Tuticorin Municipality has levied the cess with retrospective effect.

MR. A. THANU PILLAI (*Trivandrum*): They might have done that. We do not know the conditions there. They might have consulted the members and the people, and they might have been willing to pay. But here did the Municipality agree to the expenditure? Were the people consulted? Did the Government ask the Municipality as to what parts of the town do want water and what parts do not want water? Without consulting on any point, the Government merely decided one morning that all parts of Trivandrum should be supplied with good water. We are grateful to them for that. But after all this is done, they come and tell us "Here is a costly scheme, it may be beyond your power to pay if we ask you to agree to pay. We have done the work now. We want you to pay from this moment. We won't even give you time to think about it."

MR. K. GEORGE (*Chief Secretary to Government*): If the Trivandrum citizen does not pay, who is it that would pay for it?

MR. A. THANU PILLAI (*Trivandrum*): The people of Travancore—Now, Sir, the people of Travancore can afford to pay—

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know if the member thinks that the general tax-payer would regard the Trivandrum Municipality as a parasite? If that Municipality does not pay as much as is sufficient, should the general tax-payer pay for it?

MR. A. THANU PILLAI (*Trivandrum*): Not only is the Trivandrum Municipality not even a parasite, it is above that; it is able to pay for it. Why should it be called a parasite?

PRESIDENT: Look here, I think the member is asking questions to keep Mr. Thanu Pillai away from the point. Mr. Thanu Pillai, you keep to your point.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Am I entitled to have an answer from Mr. Thanu Pillai?

PRESIDENT: No.

MR. A. THANU PILLAI (*Trivandrum*): There is an impression, which is quite erroneous, that Trivandrum is having all conveniences.

PRESIDENT: That is not the point. You keep to the point.

MR. A. THANU PILLAI (*Trivandrum*): I shall withdraw that statement if it is not to the point.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Was there an offer made by the Trivandrum Municipality that they will contribute towards the maintenance of the scheme?

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PRESIDENT : That is not to the point please.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Sir, this is a matter...

PRESIDENT : Mr. Krishna Pillai, will you accept my ruling please ?

MR. A. THANU PILLAI (*Trivandrum*) : As for the urgency of the thing, this is the main point with which I am concerned. The delay, as I submitted already, is due, if at all, to the fault of the Government and they cannot come and tell us "We have several things in view. All that has not happened and so we want this Bill to be passed into law all at once." We are not prepared to hear that. As a matter of fact there is no great danger if this is not passed into law immediately. It can very well wait.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Could not these objections be remedied by the Select Committee ?

MR. A. THANU PILLAI (*Trivandrum*) : What objections ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : The objections raised by the member with regard to the principle of the Bill.

MR. A. THANU PILLAI (*Trivandrum*) : What is the principle here ? So far as I can see two principles are involved. One is that the Government should have the power instead of the Municipality which has till now been invested with power to decide upon such questions. And if the Municipality is to be allowed such powers at all, it is only, with the permission of the Government that the Municipality can proceed with this. Beyond that what is the principle involved in this Bill ?

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*) : I rise to a point of order. When a Bill is introduced into the Council, members may discuss the general principles and the general provisions. But Mr. Thanu Pillai is not discussing the general principles or general provisions ; he is dealing with the details as to the rate of taxation. That is a matter of detail with regard to which all members are agreed. Mr. Thanu Pillai should not be allowed to deal with the details of taxation.

PRESIDENT : I am trying to keep Mr. Thanu Pillai to the point.

MR. A. THANU PILLAI (*Trivandrum*) : I do not want to take up any more time of the House. For these reasons, I press my motion for the postponement of the consideration of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, If the House is prepared to accept the principle of the Bill, I am going to move for a Select Committee immediately.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : May I know from the Law Member whether the Select Committee will be competent to change five per cent. minimum to five per cent. maximum or anything else ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : They will be perfectly competent.

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PRESIDENT : The motion before the House is that the consideration of this Bill be postponed.

The motion was put and lost.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I demand a poll.

A poll was taken with the following results :-

AYES—7.

1	Mr. Joseph Kunju.	5.	Mr. K. P. Nilakanta Pillai
2	,, N. K. Krishna Pillai.	6.	,, Rama Varma Raja
3	,, S. Krishna Pillai.	7.	,, A. Thanu Pillai
4	,, K. Madhavan Pillai.		

NOES 40.

1.	Mr. K. P. Abraham	22	Mr. C. N. Tuppan Namputiripad
2.	Mrs. Anna Chandi	23.	Rao Bahadur A. Venkatarama Aiyar
3.	Mr. K. C. Chandi	24.	Mr. L. A. Bishop
4.	,, S. Chattanatha Karayalar	25.	,, R. Dhanukoti Pillai
5.	,, K. Gopalakrishna Pillai	26.	,, K. George
6.	,, M. Govindan	27.	,, A. Kumara Pillai
7.	,, N. John Joseph	28.	Rao Sahib Dr. N. Kunjan Pillai
8.	,, K. C. Karunakaran	29.	Mr. C. O. Madhavan
9	,, K. I. Kocheeppan Mappillai	30.	,, E. G. McAlpine
10.	,, K. P. Kochukora Tarakan	31.	,, R. Nilakanta Pillai
11.	,, K. Krishnan Nayar	32.	,, N. K. Padmanabha Pillai
12.	,, E. V. Krishna Pillai.	33.	,, Kayalam Paramesvaran Pillai
13.	,, Tariatu Kunjitomman.	34.	Dr. K. Raman Tampi
14.	,, K. Kunjukrishna Pillai.	35.	Mr. S. C. H. Robinson
15.	,, L. A. Lampard.	36.	,, P. Visvanatha Aiyar
16.	,, M. P. Madhavan Pillai.	37.	,, J. S. Westerdale
17.	,, M. Mahomed Mustapha	38.	,, R. S. Subrahmanya Pillai
18.	,, P. S. Mahomed	39.	,, N. A. Sundaram Pillai
19.	,, K. Narayanaperumal Nadar	40.	,, G. Paramesvaran Pillai
20.	,, A. Narayana Pillai		
21.	,, K. Padmanabha Panikkar		

NEUTRAL—1

Mr. A. S. Damodaran Asan.

The motion was declared lost.

MR. A. THANU PILLAI (*Trivandrum*) : I want to speak on the motion that the principle of the Bill be taken into consideration.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Under the strict rule of Parliamentary practice a member can move for the adjournment only when he is called on to speak on the motion before the House. When the adjournment motion is moved he exhausts his right to speak on the motion. Mr. Thanu Pillai has already been called on to speak and he has spoken and he has therefore exhausted his turn.

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MR. A. THANU PILLAI (*Trivandrum*): So, whoever moves an adjournment motion cannot speak on the main question?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That, I think, is strict Parliamentary rule. However, I have no objection to the member speaking as he was apparently under a misapprehension.

MR. A. THANU PILLAI (*Trivandrum*): I wish to have a ruling on the point from the Chair.

PRESIDENT: Mr. Venkatarama Aiyar, you were in the Chair when Mr. Thanu Pillai spoke on the last day. What did you say on this point?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): The question raised can be reduced to a general question as to whether, when an adjournment motion is made by a member, he exhausts his right of speaking to the main motion. That will depend upon the ruling of the Chair.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I for my part do not raise any point for the Chair to make a ruling on at present.

MR. A. THANU PILLAI (*Trivandrum*): I wish to have the ruling of the Chair. I do not want a concession from the Law Member. If I am not entitled to speak I do not want to speak.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know under what Standing Order the Law Member said that Mr. Thanu Pillai could not discuss the general principles of the Bill?

PRESIDENT: Mr. Thanu Pillai may speak on the general principles of the Bill. Will you be brief, because we want to have two hours this afternoon for the Jenmi-Kudiyan Bill.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I rise to oppose the Bill. As has been suggested from the Chair, I shall make but a few remarks about it just to convince the House how objectionable the provisions are. There are two outstanding features of the Bill that call for comment. They may be considered to be the principles involved in the Bill. One is that the right till now vested in the Municipality to put into effect a water supply scheme has in effect been taken away and the Government have been substituted in its place.

I want the House to remember that this Bill is not intended to apply to the town of Trivandrum alone but to apply to all the Municipalities in the State. The Government might have been, I know, carrying on the Water Works Scheme and that scheme they say is nearing completion even though for my part, I am not quite satisfied that, within a few months' time, pipe water will be available as the official members predict. My point is, whatever that be, hereafter it is the policy of Government, at any rate, it is to be the policy, that Government want this House to accept that, hereafter, it will be the Government and not the Municipality that will construct, lay or erect filtering

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[Mr. A. Thanu Pillai.]

tanks, reservoirs, engines, conduits, pipes or other works within or without the municipality for supplying it with water, and may provide tanks, reservoirs, engines, mains, fountains and other conveniences within the said limits for the use of the inhabitants. Why should there be this change, I wonder? I thought we were progressing in the line of municipal administration and that we were trying to make municipal bodies more and more responsible, to invest them with larger and larger powers. But here I find that this very important power which any municipal body ought to possess is sought to be taken away from municipal bodies in fact. Section 198 is an illustration in point.

The Government come mainly in the place of the Municipal Council in respect of all these things. That change is not at all agreeable. It ought to be the other way.

Then the other main feature of the Bill is that it fixes to impose, as I have already stated, a minimum of 5 per cent. of the annual value of the building or land, as water cess. There also, it is something more than what these words indicate. Government clearly have no faith in the Municipality; otherwise, why should they say, 'pay this minimum tax'. If, in the view of Government, the Municipality will act reasonably, is it not enough if a provision fixing the maximum be made and then negotiate with the Municipality and ask them to fix a reasonable scale of water cess? Why should there be distrust? In this connection, I emphasise the fact—every citizen must take good note of it, because it is to apply to all Municipalities—that if hereafter any Municipality wants to provide for a water supply scheme, what will be the result. The municipal inhabitants will pay not less than 5 per cent. of the rent of the house, whether necessary or not. Say, in Mavelikara or Quilon, it is possible to introduce a water supply scheme at a cheap cost and it is not necessary to levy 5 per cent. of the annual rental. Still, the Government will tell the Municipal Council to collect at least 5 per cent. of the annual rent from the inhabitants of Mavelikara or Quilon. I cannot understand the propriety of that. It is not at all reasonable, and I do not find a similar provision in any statute. Why should there be this I ask? What does this mean? There is a good deal of significance in that. Government fear that they will come into conflict with the Trivandrum Municipality in the near future and with other Municipalities as time goes on. Why this conflict I ask? Is it that the Municipality will not be reasonable and Government alone would be reasonable? No, not at all. If so, let the Government get rid of these Municipalities. If the Government, in a matter like this, cannot repose confidence in the good sense of the Municipality, why should the latter exist? For a Municipality like Trivandrum, to oppose a proposal from Government to levy $7\frac{1}{2}$ or 10 or 15 per cent. of the annual rent and if the inhabitants don't pay what have the Government to understand from that? They must clearly understand that the inhabitants of the Municipality are

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not in a position to pay the amount. Under the circumstances, they won't pay. Then, it is not for the Government to tell the Municipality 'No, you must collect 10 or 15 per cent. from the inhabitants of your municipality.' It is for the Government to consider the economic condition of the people of the municipality and take them into confidence and try to meet with give and take on both sides and come to a settlement which will not be oppressive to the inhabitants of the Municipality. I fear that view Government do not take in this matter. So, Sir, it is opposed to all principles of municipal administration. On the main principles of the Bill, the House is called upon to give their approval. I ask,why so much hurry for such a measure? I ask the members whether what the Government do is correct and good. Is this what the Government are going to do in the interests of popular administration? No doubt this may be a very good thing. You may get good water. I do not deny that. Nor do I say that Trivandrum does not want drinking water, nor other Municipalities. But this distrust Government seem to have in the Municipalities and the attempt to levy a cess in spite of the opposition which the inhabitants of the towns cannot bear, is certainly not tolerable. This is what I seriously object to.

Then passing on, there is Section 199, clause (3), which says that Government have got the power to compel a Municipality to give the annual contribution, as much amount as may be fixed by the Government for the supply of good water.

PRESIDENT: Please speak about the general principles of the Bill and do not go into details.

MR. A. THANU PILLAI (*Trivandrum*): I refer to that merely to emphasise this feature of the Bill, namely, that Government can compel a Municipality to pay the 5 per cent. due. There also, Government want power and also ask the Municipality, whether its finances can afford or not, to divert a portion of their funds for a purpose like this, whether it agrees to it or not. A similar provision finds a place in the Town-Planning Bill also. Government have taken power to do town-planning in any part of a town or in the whole of it, at their will and they can ask the Municipality to divert its funds. I wanted to see such a provision does not find a place there. My attempts failed. Here I see the same thing. The same feature is found in the earlier clauses also. That only shows the Government's want of confidence in the Municipality. That is my objection. When such a situation arises, what I want is that the voice of the Municipality should prevail. That is my position.

Then again, there is a provision which empowers full power on the Municipal President. Section 203 (2) reads thus :

> "Whenever it appears to the President that any dwelling house assessed at an annual value of not less than forty-eight rupees is without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than one hundred feet distant from any part of such buildings, the President may by notice require the owner to obtain such supply and to execute all such works as may be necessary for that purpose in accordance with the rules and bye-laws ; and any owner failing to comply with such requisition shall on conviction be punishable with fine which may extend to twenty-five rupees."

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[Mr. A. Thanu Pillai.]

That is another feature. Under the existing Municipal Regulation the Municipal Council is invested with powers for supplying water. In the proposed Bill, the Municipal President is substituted for the Municipal Council. In Trivandrum, the Municipal President is an officer of Government. All these things are to be done by the President. He has a lot of power. He can compel a house-owner to have a connection. He can deal with the house-owner in any manner he desires, and find fault with him. He can accuse him of acts which involve a liability, to pay fine and all that. The Municipal President is authorised to do all these things. In the existing Regulation, the Municipal Council is empowered to do all these things. According to the proposed Bill, all the work devolves on the President. He is an officer of Government. What will be his position? What will be the relations between the other members of the Municipality and the President? Between the President and Government on the one side and the members and the inhabitants on the other, the latter body will be thoroughly powerless. That is another feature of the bill.

Again, there is no provision enabling a house-owner to ask for the supply of water, even though he is compelled to pay.

There are also other objectionable provisions, as for example, there is Section 203 (3). Unless the Municipal President certifies that within the house itself or at a reasonable distance of it there is good drinking water—

PRESIDENT: Are you going provision after provision?

MR. A. THANU PILLAI (*Trivandrum*): While sticking to the point, I find certain objectionable features. The result will be that large areas in Trivandrum will have to be abandoned, because, as I understand it, there will be no mains near a house or in any part of a town: and the President can say, there is no good water avilable there. What is the owner to do? He cannot live there. If there is obligation on the part of Government to supply water, I can appreciate that.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know from the member whether all these defects cannot be rectified in the Select Committee if it wants it?

MR. A. THANU PILLAI (*Trivandrum*): There is much that *can be* rectified and much that *may not be* rectified.

In view of all these serious objections, I think I have to oppose the introduction of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head sirkar Vakil*) The Bill has had a good deal of criticism and I have come to the conclusion, although at first I was not of that opinion, that the Bill may be referred to a Select Committee, if the House approves the general principle of the Bill. Objectionable features can be examined by the Select Committee in all their bearings. I do not think I should now answer the objections raised by Mr. Thanu Pillai.

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MR. S. KRISHNA PILLAI (*Karunagapalli*): May I know what is the principle involved in the Bill? That has not been expressed. The proposed Bill says that it shall impose an enhanced tax.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is one.

MR. S. KRISHNA PILLAI (*Karunagapalli*) What does the Law Member mean by saying, "if the principle is accepted, the Bill may be referred to a Select Committee"? What exactly is the principle involved? That is what I want to know.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is not in my power to anticipate the decision of the House. The principle must be accepted before I get the right to move for a Select Committee.

MR. S. KRISHNA PILLAI (*Karunagapalli*): That is not an answer to my question.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In this case, it may be said that it is found in the Statement of Objects and Reasons.

MR. A. THANU PILLAI (*Trivandrum*): Even though I oppose, it is better we have a definite idea of the principle of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): A perusal of the Statement of Objects and Reasons will give that.

MR. A. THANU PILLAI (*Trivandrum*) What is that? It may be that the Council may refer the Bill to a Select Committee in spite of my opposition. We should be in a position to know what exactly the principle of the Bill is. If it is accepted, and say, I am made a member of the Committee, is it open to me to say that 5 per cent. minimum fixed is unwholesome and that it should be 4 per cent. maximum? At that stage it may be said 'No, the principle of the Bill has been accepted by the Council. You cannot in the interests of popular opinion go back. From that you should proceed.' Just to avoid such a confusion which may arise at the committee stage, it is good we mark out the principle underlying the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): To a question put to me by Mr. Kunjukrisna Pillai to-day, whether it will be competent for the Select Committee to change the minimum into a maximum, I said it can. I have nothing to add now.

The question that the principle of the Bill be accepted was then put and carried.

The Secretary to the Council then read the title of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I move that the Bill be referred to a Select Committee consisting of—

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Messrs. A. Thanu Pillai;
K. Padmanabha Panikkar;
Tariat Kunjitomman;
R. Nilakanta Pillai;
Kayalam Paramesvaran Pillai; and
J. S. Westerdale.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

PRESIDENT: Mr. Westerdale will be the Chairman of the Committee and the Committee will submit its report within four months.

The Council adjourned for lunch at 1-45 P. M. and met again at 2-30 P. M.

THE JENMI AND KUDIYAN REGULATION AMENDMENT BILL.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): Sir, in connection with the Jenmi and Kudiyan Bill, there seems to be a prospect of an understanding being arrived at between the Kudiyan members and the Jenmi members upon the various points in controversy. From the talk that I had with some of the Kudiyan members and the Jenmi members, I think we will be able to settle it and that no discussion may be needed upon the several clauses now to be considered. If some time is allowed, I think we may be able to get through it without any discussion at all. In fact, the representatives of the the jenmies and some of the leading representatives of the kudiyans have come to a definite understanding upon these various points. I would therefore suggest that this may be adjourned to a non-official day, as proposed yesterday, when the remaining portion of the Bill may be taken up for consideration, so that we may be able to have some time for talking over the subject and to see that it is definitely settled. The learned Law Member was also present when this was discussed.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does the member think that a day will be quite sufficient?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): We are not going to do much in 2 hours to-day.

If there is a prospect of a definite understanding being arrived at, which I think is likely from the conversations I had with Mr. Thanu Pillai, Mr. Raman Namputiripad and others, I think it is better to go through the whole Bill at one stretch without any discussion at all. The learned Law Member and Mr. Asan are also, I think, of the same opinion.

MR. S. KRISHNA PILLAI (*Karunagapalli*): I do not think that is possible.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, you may take the general sense of the House. Anyhow, we are not going to advance much in 2 hours. If there is general

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